Rights of persons with Gender Dysphoria in India; A Socio-Legal Study with special reference to Delhi and State of Rajasthan

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Supervisor: Dr Ambika

Submitted by: Ayesha Mukherjee
(Enrollment Number-9020181910)

HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

16 MILE, SHIMLA-MANDI NATIONAL HIGHWAY, GHANDAL
DISTRICT SHIMLA, HIMACHAL PRADESH-171014
Ph. 0177-2779802, 0177-2779803, Fax: 0177-2779802
Website: http://hpnlu.ac.in

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INTRODUCTION

Most of us are fortunate enough to have our mind and soul being attuned to the body we are born with. But many don't have this privilege. Sex is the biological, physiological and reproductive capabilities of human being, whereas, gender is the role assigned by the society, either male or female. The society's perception of gender depends on biological aspect of the individual. If the person is born as a female, the society expects the person to behave like a female. Gender roles are associated with reference to sex and sexuality[1]. It is demanded by the LGBTQIA community that gender should mean gender identity and sexual orientation[2].

Right from the time a child is born he/she is assigned a particular gender. It is assumed that the child has to confirm to certain standards with regard to his lifestyle and personal choices. In this context the difference between sex and gender becomes important. Sex defines the biological anatomy of a person; gender identity deals with the individuals conception of himself. The problem lies when the society itself tries to assign a gender specific role to a person. It is alleged by the LGBT community, that fitting into a certain category (male /female) is imposed by the society, which particularly amounts to coercion. The LGBT community is against strict categorisation of gender roles. Transgender refers to cross genders or beyond genders; it relates to gender identity which does not confirm to the conventional belief of either male or female.

According to the Oxford Dictionary, Transgender relates or denotes a person whose sense of personal identity and gender does not correspond with their birth sex . The term as defined by the Hon'ble Supreme Court in NALSA V. UOI denotes an umbrella term which embraces within itself a wide range of identities and experiences including but not limited to pre- operative/post-operative trans sexual people who strongly identify with the gender opposite to their biological sex i.e. male/ female. The term transgender is a compendious term which includes sexless persons (Hijras), MTF and FTM. A person who is transitioning from male to female is denoted by MTF and a person who is transitioning from female to male is denoted by FTM .

The Transgender were recognised for the first time as per the 2011 census, and the total population was estimated to be 4.88 lakh. The census of 2011 did not define the term transgender but it was identified to mean Hijras. MTF. It is to be noted that FTM as a group largely remain underground and hence ignored. The researcher has come to know by interacting with FTM group leaders informally that there are 450 known FTM in India. The maximum count could be much higher.

Another concept closely associated with FTM and MTF is the concept of trans-masculine and trans-feminine persons. Trans masculine are those who identify themselves with more masculine gender identities. Although they may or may not confirm to stereotypical gender expressions and may or may

[1] Gender Concepts and Definitions. (n.d.). retrieved from https://gender.jhpiego.org/analysistoolkit/gender-concepts-and-definitions/

[2] Sex, Gender and Gender Identity. (n.d.). retrieved from https://www.plannedparenthood.org/learn/sexual-orientation-gender/gender-gender-identity

not try to appear more masculine[3]. Same is the case with trans feminine persons. Trans persons are largely gender dysphoric individuals. It is a condition where a person experiences discomfort or distress because there is a mismatch between their biological sex and gender identity. There are different levels of gender dysphoria. An individual with a higher level of gender dysphoria may have to get the relevant surgeries done. They are also termed as transsexuals. The term transsexual is a medical term which is imposed on an individual who undergoes a surgery to modify or alter their body, to live their life in the sex, which was not assigned to them at the time of their birth. A typical sex reassignment surgery for an FTM will include several surgical procedures to change the female genetalia to male genetalia including the hormonal replacement therapy where the person is artificially injected with testosterone.[4]. The entire surgical process for both FTM and MTF starts with hormone therapy, popularly called HRT. Pursuant to the HRT the male or female internal organs are removed by surgery. It is considered to be a painful and time consuming process but it is considered as a life-saving factor for those who don't identify themselves with the body they are assigned at birth.

There are transgenders who are content with being identified as a member of their desired sex, just by cross dressing without medical procedures. For a couple of hours they dress up as a female and are content with that. Rest they are comfortable with their biologically assigned sex. This is because their degree of gender dysphoria is not so much as to cause distress.

TARGET POPULATION

The target population of this study are those persons who have gender dysphoria. Three categories of persons can have this condition viz. Trans masculine, Trans feminine and non binary persons. They may or may not have a very strong urge to get the transition done. Some of them consider transitioning as a sine qua non of their very existence. Some of them may not get the transition done due to financial or other personal reasons. Thus, it is study of their struggles in the journey of gender conformity.

This is in contrast to the views of the LGBTQIA community since they don't prefer to confirm to strict gender roles. On the other hand some persons with a high level of gender dysphoria like to be identified according to the binary notions of gender of either male or female.

Among the persons with gender dysphoria the transsexual community are those who get the designated medical procedures done need to get sex reassignment surgeries in order to be identified on the basis of their desired sex. This is because the gender role or their conception of themselves is different from the sex assigned to them at birth. Thus, they want to be identified in a particular category. Thus, it is the primary difference between the LGBT and transsexual community. Gender non binary people also report a feeling of gender dysphoria in consequence with being defined a particular gender[5]. It has to be noted that this dysphoria is in consequence of being identified with a particular gender but not because they want to fit in any other gender. Thus, this study will also include them.

[3]Transmasculine, (n.d). in Wikipedia retrieved from https://gender.wikia.org/wiki/Transmasculine

[5] https://www.goodtherapy.org/blog/can-nonbinary-people-experience-gender-dysphoria-022620197

SOCIO LEGAL ISSUES (Motivation for research)

The members of the transsexual community have to face several issues right from childhood for eg cross dressing, especially in regard to transsexual children. A person of a different sexual orientation has to encounter the wrath of the society for dressing differently or for making other lifestyle choices. As a child grows up he is subject to certain socio cultural laws. Along with the societal laws comes the legal aspect in the society. Weather, the law regulates the society or the society regulates the law is still a debatable issue. Both influence each other in several myriad ways. This thesis is an attempt to clearly enunciate the interface between the two.

The denial of legal rights of transsexual rights will be examined with respect to both pre and post-surgery. The entire regulatory framework right from the time they enter school will be examined in detail. This study aims to elucidate the legal and constitutional aspects which describes the very essence of their being. Weather basic human rights are made available to them which includes a thorough investigation regarding the question on their being an Indian citizen. Based on their lifelong struggle weather the right to life is available to them or not.

LITERATURE REVIEW :

We can get a fair idea of the conditions of persons with gender dysphoria in the Indian legal regime by reading certain research and review papers. The existing works on transgender as a class can be classified according to their specific area of study, for instance sociological studies i.e. hostilities and prejudices and general human rights violations faced by them in the society; economic or livelihood aspect i.e. transsexual person in a job, transgender persons in sports, healthcare, female to male specific research and legal safeguards in sex reassignment surgery. The researcher has classified the existing research work under the above mentioned categories.

There are studies that focus on the transgender as a class without specific reference to any category as such. They are mostly related to one particular aspect like education, equality and human rights. (Issues of gender, race, sexuality, disability and social class; edited by Mike Cole, Routeledge Taylor and Francis Group)

Hostility and prejudices against sexual minorities which includes Transgender have been correctly pointed out by Stephen Tomsen and Kevin Markwell in Violence, cultural display the suspension of cultural prejudice. This paper points out to homophobic attitudes in general.

As far as the social aspect is concerned there has been several studies and research which points out to the human rights violations. Brazil, India and Mexico face a huge challenge to become countries where all human rights are respected. Although all three countries have used legislation to promote provision of comprehensive healthcare services for third gender, there is still strong resistance to implementation of such laws and policies (Social stigma, legal and public health barriers faced by the third gender phenomena in Brazil, India and Mexico: Travestis, hijras and muxes; Alessandra Diehl, Denise Leite Vieira, Marina Milograna Zaneti).Problems faced by LGBT people which includes transgender in general ranging from marginalization, psychological distress, legal injustice and problems of terminology have also been delved into. (Human Rights Violations against LGBT People in India: Need for Introspection; Pushpender Kaur)

Trans persons are even shunted out from sports or their avocation inspite of being extremely capable. There was a case where a transgender person named Sounderajan who won 2 silver medals in the Asian Games was stripped off her medals due to a failed gender test on the ground that “she does not possess the sexual characteristics of a woman”. (The curious case of Shanthi: Issue of Transgender in Indian Sports; by Sudeshna Mukherjee) This descriptive study traces the plight of transgender sports personnel in India and abroad. This study can have major implications on the rights of transsexuals in sports.

In the field of mental healthcare there has been considerable research related to transsexuals. One such study points out to the social stigma of transgender person highlighting the psychological issues faced by them in the Indian context. But this study confines itself to “Hijras” acknowledged as arvanis over the centuries. It was noted that there is also a paucity of published literature about transgender/transsexuality in mental health journals. Moreover, there is absence of guidelines laid down by Medical Council of India and Indian Council of Medical Research ,regarding sex reassignment surgery (Transsexualism in the Indian context, by Vinay B, Krishna Prasad M, Suresh Kumar, Srikala Bharath: Published in Journal of Indian Association, Child Adolescence Mental Health 2010; 6(2); 44-46).

Case studies have also been conducted to highlight the use and dependence of multiple substances in the Hijra Community of India. Gender Identity Disorder has also been discussed but that is again with respect to the Hijra Community. (Substance Abuse as a way of life in marginalized Gender Identity Disorder: A case report with review of Indian Literature). It has to be noted that Although awareness about HIV-AIDS issues in the Hijra community is increasing both among the community members and the health professionals, the same cannot be said about mental health issues. (Hijras, the unique transgender culture of India, Gurunder Kalra;International Journal of culture and mental health)

Since the focus of this study is both female to male and male to female transsexuals. Only very few female to male specific studies have been undertaken. One such study was undertaken to highlight the challenges at workplace. There is a case study which deals with the case of coming out of a transman and his efforts to negotiate gender identity at work. (I am the man for the job: The Challenges of coming out as a FTM transgender in the Indian Organisational Space; Animesh Bahadur, Kunal Kamal Kumar; Sexual Orientation and Transgender Issues in Organizations, 43-61, 2016)

One significant study that has been done specifically related to the the legal aspect of transsexualism needs special mention i.e. Treating Transsexuals in India: History, Pre requisites for Surgery and legal issues, by Richie Gupta and Anil Murarka.s In this review paper a group of doctors in their clinical practise came across several transsexual persons. Consequently, opinions were taken from legal luminaries practising in this field and patients in different levels of sex reassignment surgery. It was succinctly pointed out that there are several legal aspects which an Indian surgeon dealing with transsexual patients has to deal with like for instance consent for procedure, safeguarding the surgeon or gender team from future litigation. it was also alleged that there is no clarity on post operative sexual and legal status of a person. It was also noted that there is a paucity of Indian inputs in medical literature concerning transsexualism. An Indian surgeon dealing with transsexual patients is faced with a number of issues like consent for the procedure, safe guarding the surgeon or gender team from future litigation. A paucity of the Indian inputs in medical literature concerning transsexualism was noted by the authors. It has been vividly pointed out by the authors that the present Indian Laws regarding marriage, adultery, sexual and unnatural offences, adoptions, maintenance, succession, labour and industrial laws will require modifications when dealing with these individuals and protecting their rights. Authors have tried to deal with all these issues that an individual surgeon faces when he manages a transsexual patient.

Thus, it has to be noted that all the existing studies pertains to the transgender as a class. Such studies might be of some help to the researcher to sift and sieve out the socio legal regulatory framework specifically relating to transsexual persons. Most of these studies are related to the sociological aspects and almost negligible portions specifically relate to legal aspect. On the premise that law can be deduced from the society, we can further confine our study.

STATEMENT OF PROBLEM/PROBLEM PROFILE

Persons with Gender Dysphoria comprises of a homogenous class of persons with certain common attributes. In order to understand them, it is essential to ascertain their socio-economic conditions. A look into their living conditions will help determine their backwardness. The current socio legal regulatory framework governing persons with gender dysphoria needs to be understood very closely to examine basic constitutional and legal guarantees that are available to them. The level of socio – economic backwardness among them have to be understood. In order to ascertain the socio legal regulatory framework; a study of several institutions will be undertaken for instance educational institutions, health centres, government and law enforcement agencies. The interaction of a typical gender dysphoric person with these institutions will be investigated. A comparison will be done between Delhi and State of Rajasthan

RESEARCH OBJECTIVES:

- To ascertain the nature of regulatory structures that govern their rights and interests
- To assess whether the legal rights and constitutional safeguards that are available to the Indian citizens are also available to persons with gender dysphoria.
- To assess whether the regulatory regime governing the rights of persons with Gender Dysphoria in USA, Scotland and Argentina can be implemented in India as model for best practices.
- To ascertain the socio legal challenges faced by them during the course of sex reassignment surgery.

HYPOTHESIS

- Persons with Gender Dysphoria constitute a socio- economic backward class
- Higher level of acceptability and awareness in society w.r.t persons with Gender Dysphoria; higher will be their level of income and education.
- The current socio-legal regulatory framework governing the rights of persons with Gender Dysphoria has generally resulted in improvement of their conditions.

SIGNIFICANCE OF STUDY

The significance of study of any research reflects on the contribution made by the study to enable us to understand a concept or promote a new concept. It revolves around the question as to what scientific or sociological contribution has been made by the research. Since the topic is socio legal research, it has to be found out how this research will be beneficial to the society in general.

SOCIO LEGAL RESEARCH

Socio- Legal Study is a multidisciplinary approach to study a legal phenomenon. It employs wide variety of different aspects in order to investigate a specific set of respondents. In association with the legal dimension, sociological thought with respect to vulnerability, accessibility and equality are also important. This kind of research has more of an empirical bent. Sociological research is undoubtedly necessary to articulate the perceptions of the society for a certain aspect. Lawyers and Sociologists, together can change the world for better.

MEANING:
Socio legal study is not a study of positivism. It studies the law in addition to its impact in the society. It studies both 'what it is' and 'what ought to be'. It is a system which purports to analyze the law along with analyzing the social situation.

COMPARATIVE SOCIO- LEAGAL RESEARCH

Nowadays socio legal studies is not confined only to one phenomenon. It has expanded its ambit to include comparative issues as well within its fold. Study of law is not just study of law, but it has now become the study of different legal systems and different societies. One phenomenon may not have the same result everywhere. Laws need to be examined in different social settings. In such comparative studies we clearly understand the nuances and the subtleties. It is important to understand the opportunities and challenges in every society.

Patrick Glenn has attempted to outline the 'Aims of Comparative Law' as follows:

1. It gives information on the law that operates elsewhere and hence fosters a better understanding.
2. It helps us to understand the evolution of law better.
3. It helps in contributing for the betterment of one's own legal system
4. It helps in better harmonization of laws.

OBJECTIVE OF SOCIO- LEGAL RESEARCH

The basic aim of such kind of research is not only to give an interesting set or ideas or debatable issues in general. The object is to describe and find out how different varied methods can be used for research. It also examines how certain sociological perspectives are relevant for the study of law. The aim is to develop a coherent theory based on rich experiences of persons.

All kinds of Research contribute to the society. Mostly, socio-legal research is conducted on some group or class of people, for eg; children and women. The research is conducted to understand the extent of their vulnerabilities and to alleviate their conditions.
The basic aim of every socio-legal research is to:

1. Find out societal perceptions regarding a class of people
2. Find out the legal regulatory framework by which the said class of people are governed

The Significance of the Study of any research should attempt the following questions:

1. What new insights can be gained in the subject matter?
2. What will be its use among the public?
3. How does this research solve the current problems?
4. How does this influence policy change?
5. How can this advance the study of the subject?

The significance of the study on

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The significance of the study can be validly divided into the following heads:

1. For the public
2. For the field of education
3. For teachers and others in the academic field
4. For both government and private officials

Some writers also suggest that we can make a hierarchical arrangement of beneficiaries. Each beneficiary should contain a short discussion or description of the specific benefits of the research to the beneficiary.

Other beneficiaries of the study can also possibly include:

1. Experts who are concerned about the problem
2. Administrators and policy makers who make the decisions and implement the programs
3. The Subjects
4. The future researchers
5. Those who are affected by the problem
6. Contribution to the field of specialization or discipline
7. Specific sectors that will benefit from the study

For the subjects: The subjects are those who are primary beneficiaries of the research and those who are directly affected by the problem. Persons with Gender Dysphoria are the ones who will be directly affected by the problem. Others who are indirectly affected by the socio- legal structures meant for persons with Gender Dysphoria are the parents and near and dear ones of such persons. This will include the parents and their loved ones. The partners of Gender Dysphoric persons also need conselling. This study might enable persons with Gender Dysphoria to have equal access to all social amenities and possibly increase chances to live their lives with a sense of normalcy.

Parents: Similarly, this study will benefit the parents of children with Gender Dysphoria to accept them and educate them along with recognizing their great role in educating the stakeholders in the public domain.

For the Policy Makers: t will enable the policy maker and law makers and provide them the valuable information and major factors that they must keep in mind while framing policies, guidelines and laws which might directly or indirectly have an implication on them

For the Teachers and Educators: This is bound to benefit the teachers and enable them to include students with Gender Dysphoria in mainstream education. They will be trained to deal well with such students who might not be able to project themselves accurately. They will be able to counsel such students and their parents effectively. Moreover, they will be instrumental in channelizing the capabilities of such students in a more positive direction

For the Public-
It is essential that the public is informed about the conditions of people living with Gender Dysphoria. The public in general should be able to empathize with them if it feels necessary. The should be made aware of the intricate nuances of the concepts of sex and gender. This will enable them to show a level of concern towards people who different from them. A general understanding that there can be people with different lifestyle and choices. Everyone should be able to exercise the option which suits him/her best.
Inculcating such attitude will go a long way in eliminating gender stereotypes from the society. This will in turn percolate to enable a greater sense of self-respect and well-being of persons living with Gender Dysphoria.

For Experts and Academic Contributions-
This study will also significantly help those who are engaged in Gender Studies. Experts in the field of sexuality can also gain a few insights regarding the concept of Gender Dysphoria. Sociologists can innovate ways and means to reach out to such persons and gain an account of their rich and diverse experiences. Another set of persons who can conveniently benefit from this kind of study on Gender Dysphoria are the scholars of Feminism. In the context of Gender and Sexuality; the theories of Feminism occupies a special place. There are very interesting and valuable links between the central concept of Feminism and Gender Dysphoria.
This might also help the counsellors to reach a new milestone in psychiatric conselling.

Why is it important to know about Gender Dysphoria?
The central theme of our research is the concept of Gender Dysphoria. The most important part of the significance of the study is to know why it is important to know about Gender Dysphoria.

Gender Identity largely defines and determines the way people exercise their gender and contributes to their sense of their perception of themselves i.e. gender identity. Gender identity basically means how and to what extent everyone identifies themselves as male, female or of the two or neither of the two. It helps them to organize themselves and develop a sense of self and behave socially according to their own notions of sex and gender. Gender identity disorder is the inconsistency between what a person own self-perception and what the society perceives the person to be.

According to Stroller, 'Transsexualism is the conviction of a biologically normal subject of belonging to the opposite sex'
For the field of medicine Gender Dysphoria is also important. As mentioned earlier, Gender Identity Disorder or transsexualism is a psychological condition that requires a lot of care, patience and involvement of multiple health professionsl which include- endocrionologists, surgeons and psychiatrists.

CONSTITUTIONAL SIGNIFICANCE

The research has a very deep constitutional significance. A study on the conditions of any section of the population has a very important bearing on the concept of Social Justice.

Social Justice is primarily concerned with the distribution of burdens and benefits in the society. Such benefits and burdens should be equally distributed among the various social institutions like property matters, public organization etc and also protection of the persons right through the legal system. It includes aspects like allocation of housing, medicine, welfare benefits and so on.

The field of investigation relevant to the study is how the society treats persons with Gender Dysphoria. How do the social institutions distribute its benefits with regard to such persons. Are the persons with Gender Dysphoria disadvantaged in any manner when it comes to property matters, medicine, welfare benefits and so on.

David Millers Concept of Distributive Justice is as follows:

a) To each according to his rights
b) To each according to his deeds
c) To each according to his needs

The primary area of research is weather persons with Gender Dysphoria are entitled to equal protection of their rights. The basic constitutional guarantees that are available to all the citizens in general are also being made available to such persons. The maxim 'Everyone is equal before law and law will equally protect everyone'; should be followed in letter and spirit. Since equal access to justice is a fundamental right; all the sections of the society should be able to benefit from the same.

Every person is responsible for his own deeds both in the social as well as legal context. If any person commits a crime he/she should be legally punished for the same in accordance with the law of the land. A person belonging to the higher strata or a lower strata of the society should be made equally liable to the law of the land. The law should not bend in favor of the under privileged sections of the community. Crimes committed by the persons of this community should not go unnoticed by taking advantage of some or the other loophole. At the same time we must also ensure that the social benefits or affirmative actions for their benefits are not misused.

Every section of the society have a different set of needs and aspirations. Needs vary according to the social context. Every strata of the population have a peculiar set of characteristics and have certain requirements based on their physical, psychological and social setting. The aspects need to be understood by the policy makers in order to make policies and schemes for the benefit of this section of the population.

The four interdependent and interrelated principles of social justice are participation, rights, equity and access. There are four interrelated principles of social justice; **equity**, access, participation and rights. The famous political theorist, David Miller argues that there can be no single account of social justice or that there can't be one single parameter of social justice. He says that justice is pluralist in nature and consists of various small phenomenon.

Social Justice is more than just a political and philosophical theory. This concept asserts that there are numerous other dimensions to the concept of justice. Social justice is much more and goes beyond the principles embodies in civil or criminal law, demand and supply in economics or just a traditional moral framework. Social justice is not just justice at individual level, it focuses more on just relations between groups. Thus, it is not justice for individual but it is justice amongst individuals per se.

RESEARCH METHODOLOGY

Qualitative Research Method will be used for the study.

MEANING OF QUALITATIVE RESEARCH

It is the kind of research which relies on unstructured and non-numerical data. It I more concerned with studying the natural surroundings of the subject matter and is more descriptive in nature. Descriptive research is a type of research that describes the way things are. It relies more on surveys to find out the truth. It is a kind of exploratory research and it is used to gain an in depth understanding of the reasons (Why are things the way they are), opinions (why do people feel this way) and motivations (what are the major triggers for acting in such a way). This, this kind of research will help in order to understand the interactions of people among themselves, general or specific belief systems, behavioral attributes and their day to day experiences.

DIFFERENCE BETWEEN QUALITATIVE AND QUANTITATIVE RESEARCH

Qualitative behavior is focused more on understanding the human behavior as mentioned above whereas quantitative research is more in the nature of fact finding inquiry. Quantitative research can be measured whereas qualitative research cannot be numerically measured.

In any socio legal study Qualitative research is more appropriate beacause if we want to understand the law in the current social setting, we need to look beyond law itself. We need to look beyond the facts and figures and definitely beyond the law laid down in the statute. It is true that perceptions of people can be numerically analysed in terms of 'yes, no or maybe'. But in many situations we cannot understand the deep seated aspirations of people by reflecting on such singular straightforward answers.

Moreover, the concepts of equality, equality of opportunity and even social justice or distributive justice cannot be statistically proved or disproved. The reason being that social justice has many parameters and one cannot judge only in the case of an isolated instance. It will take different experiences, independent or inter related, in order to be woven together in a single fabric to ultimately culminate itself into a living socio legal research.

Ideals that are mentioned in the Constitution of India or the Preamble cannot be numerically or statistically measured since attainment of good governance is a journey and not just a goal. Gender Dysphoria as a concept has not been studied in the socio legal context till date.

Thus I prefer qualitative research for my study due to the following practical reasons:

1. We can never be able to see the complete picture by solely relying on numerical data because due to the societal pressures and stigma associated with it; we may never be able to find out the truth.
2. Researcher may get a lot of unstructured and raw data; which might not be possible to decode
3. Respondents may not have a straight forward answer to a question.
4. Concepts of social justice and equality cannot be measured.
5. Qualitative Research is more suited for descriptive and Exploratory research

Types of Qualitative Research

There are six types of Qualitative Research.

Phenomenological Model: This type of research explains how one person experiences a specific event or events. His own experience and endeavors will be the data for the research. Researcher can collect such experiences from the participant by way of observations, surveys and surveys. In this way one can gather information from subjects. This approach concerns itself with studying a particular phenomenon in depth. It is more concerned with how participant feels during an activity or event. This kind of research goes beyond ticking the boxes.
This kind of model is the most appropriate for my research since it is in the nature of socio-legal research.

Ethnographic Model: This model is most widely recognized and one of the most popular methods of qualitative research. This study is used to understand a particular culture. In this type of research, the researchers interact with the participants in real life i.e. within the societal framework itself. It is used to observe the cultural motivations and challenges of a group. But this method extends over a period of time.
This model is not appropriate for my research since it is time consuming study and not economically feasible.

Grounded Theory Model: is a methodological aspect on qualitative research in the social sciences. It was originally introduced by sociologists Glaser and Strauss. It is a scientific method for analyzing data and also to construct specific theories from those data. The non- numeric data is analyzed using coding. Subsequently, the results of such analysis are interpreted. This is a widely used aspect.
For the purpose of the present research, grounded theory will be used in order to decode the qualitative data.

Case study model: This model entails a complete and careful observation of a single social unit . This unit can be an entire community, a cultural group, an institution, a family or even a person. It attempts to study that one single unit in depth. The case study deals with the inter- relationship of different constituents within a singular unit. It is an in depth and intensive investigation of the unit under consideration.
This model will be used extensively throughout the research. Different homogenous groups within the broad grouping of Gender Dysphoria will be studies as a single constituent unit.

Historical Model: As the name suggests, this model is used to describe the past events in order to understand the present and anticipate the future. This method will be used to find out the historical background of Persons with Gender Dysphoria

Narrative Model: This model is useful when we need to investigate the real life problems and issues. It is a kind of approach that relies on words (written or spoken) or even visual representations. This approach focusses on the lives of participants as narrated by them largely in the form of stories. This gives an account of the experiences, challenges and opportunities that they have faced. This approach will also be used extensively throughout the research

Tools for Data Collection for Qualitative Research Methods:

Several tools for data collection can be used for the purpose of carrying out Qualitative Research:

In depth Interviews: Interviews are taken for one person at a time. This is one of the most commonly used research method. Such interviews can be both structured or unstructured. Unstructured interviews will be most suitable since the researcher will have the freedom to identify more issues as the interview unfolds. This will also enable the participant to feel free during the interview and less formal. Therefore, unstructured interviews will be used extensively for the said purpose. Informed consent of each participant will be taken before the interview. In depth interviews are essential because the research topic requires detailed information and is a complex one which involves the interplay for several factors. Moreover, this kind of research topic is very sensitive.

Focus Group Discussions: This is another very common Qualitative research method. In this kind of discussion; the interviewer talks to a group of people and tries to know their perceptions, opinions, beliefs towards an idea or concept. The participants in this form of discussion, constitute a homogenous group. The basic idea is that the participants feel comfortable among persons they can identify themselves with. A typical focus group can have 6 to 12 participants. The researcher will use focus group interviews

Observation: In this kind of research method, the researcher gathers data by observing peoples behaviour or events in their natural setting. This tool of data collection can be used both overtly as well as covertly. In the Covert kind of Observation, the participants don't know that they are being observed because the observer is concealed from them. In overt kind of observation; the observer introduces himself and the participants have to carry on discussions in the presence of the observer. This will also be used extensively for data collection throughout the research.

RESEARCH PARADIGM

When we decide to embark on any new opportunity or challenges, we have a certain bent of mind. Research paradigm is that bent of mind which a researcher has. A research paradigm is a set of perceptions and assumptions that are shared by researchers or by the community of researchers in totality. These are considered to be the behavior, thought process or the ideology behind the research. A research paradigm may not be spelt out by the researcher in his/her thesis in totality. The research community as a whole is governed by a set of basic assumptions and ideas. It is the inherent belief systems regarding how they view the research as a process. What values and orientations do the researchers have in mind while conducting the research. A researcher may believe in all or any of the aspects of research.

The main aspects of a research paradigm are Ontology, Epistomology, Methodology, methods and structure. The research paradigm center's around the concept of 'reality' as understood in philosophy. Before trying to understand the concept of Research Paradigm, we need to understand the concept of 'Reality'

Reality as a concept has three different aspects:

1. There is only one reality
2. There are multiple realities
3. Realities are constantly negotiated and interpreted.

Ontology is the belief about the reality. It examines the nature of the reality. It sums up the concept of reality in three aspects:

1. There is only one reality.
2. There are multiple realities

3. Realities are constantly debated, negotiated and interpreted.

It is that branch of study that studies the nature of human beings existence as individuals in society and in the universe. It studies the very basis of existence of individuals. It studies weather in the social context individuals are able to exercise their freewill and choices or are external factors controlling our outcome. Are humans best understood as individuals or best understood as existing in a group or social system.

Ontological approach to the present study

Thus we can see that it is important to conduct research on the persons with Gender Dysphoria as a group in order to investigate the ways and means by which they interact with the society and view groups. For instance one law for the benefit of such persons may not be beneficial to some while it may be beneficial to others. Due to a supportive family background for instance, a person with Gender Dysphoria may be able to avail all the legal protections; whereas some may not even have the basic fundamental right to live. Therefore we can say that there are multiple realities which can largely be subjective in nature.

Epistemological Approach

Many researchers don't come right out and state their Epistemological Assumptions directly. Their work leaves clues especially how they approach their research methods. Different theorists have different epistemological assumptions as follows:

1. Knowledge is out there waiting to be discovered.
2. People develop knowledge based upon their perceptions and experiences.
3. All knowledge is relative, a mere social construction. Its whatever we say, it is. There is no universal truth

It is largely concerned with how can we truly examine the nature of reality. This kind of approach is more objective in nature. It means arriving at a conclusion based on a statistical analysis or taking into account experiences of individuals by way of Ethnography. They believe that there can a correct answer if there is a correct question. This approach can be divided into the following components:

Positivism: There is one single reality which is easy to see

Constructivism: There are multiple realities and knowledge needs to be discovered as well as interpreted in order to ascertain the underlying meaning.

Pragmatism: Reality is constantly debated, negotiated and interpreted. Thus knowledge should be examined using whatever tools that are best suited for the said purpose.

Epistemological Approach to the present study

This approach is equally important for the purpose of our present study. We need to discover the objective realities before we start making investigations about the subjective realities. It is important to check the reliability and validity aspects of a research and to keep defining the same. We need to start keeping this approach in mind.

Axiology

Axiology are the set of values that guide our research. It is the sum of values and outcomes that will result from our research. Can research be neutral or do our personal values shape how we do research. Should we do research just to understand or to change the world for the better.

The researcher is also a human being and is prone to biases and prejudices as a result of his/her own

experiences. For the purpose of checking my own weaknesses and biases; I will write down all such biases in a diary before I begin interviewing my respondents. I will keep cross checking and self-introspect weather I am letting such biases affect the final results and interpretations. Based on the data collected during the course of my research, I can also file writ petition in the High Court or Supreme Court to give appropriate directions to the government. I may also be able to give the results of this research to a few non- governmental organizations to enable them to carry forward their mission affectively.

CHAPTERISATION:

Chapter 1- Introducing the concept of Gender Dysphoria

Chapter 2- Overview of Historical Background and emergence in India

Chapter 3- Legislative Measures and application of existing laws

Chapter 4- Role of Judiciary

Chapter 5- Societal Perceptions with respect to persons with Gender Dysphoria

Chapter 6- Conclusion, Recommendations and Proposal for reform

REFERENCES

Note: For the purpose of the present synopsis, the researcher briefly studied the following to form an idea about the prevailing gaps, which the will try to remove by the present research. The following references have been mentioned as the same has played a little role (but not substantial) in making the present synopsis.

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